

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:

Baltimore District

FILE NUMBER:

JD-200500010-13-20Jan05

REGULATORY PROJECT MANAGER:

Amy Elliott

Date: 28 September 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y

Date: 10 January 2005

At the project site Y

Date: 03 November 2004

PROJECT LOCATION INFORMATION:

State:

Pennsylvania

County:

Luzerne

Center coordinates of site by latitude &amp; longitudinal coordinates:

41 22'02" / 75 57'38.5"

Approximate size of site/property (including uplands &amp; in acres):

485 acres

Name of waterway or watershed:

Unnamed tributary to Leonard's

Creek

SITE CONDITIONS:

| Type of aquatic resource <sup>1</sup> | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                  |        |        |        |         |          |          |         |             |         |
| River                                 |        |        |        |         |          |          |         |             |         |
| Stream                                |        |        |        |         |          |          |         | 970         |         |
| Dry Wash                              |        |        |        |         |          |          |         |             |         |
| Mudflat                               |        |        |        |         |          |          |         |             |         |
| Sandflat                              |        |        |        |         |          |          |         |             |         |
| Wetlands                              |        | X      |        |         |          |          |         |             |         |
| Slough                                |        |        |        |         |          |          |         |             |         |
| Prairie pothole                       |        |        |        |         |          |          |         |             |         |
| Wet meadow                            |        |        |        |         |          |          |         |             |         |
| Playa lake                            |        |        |        |         |          |          |         |             |         |
| Vernal pool                           |        |        |        |         |          |          |         |             |         |
| Natural pond                          |        |        |        |         |          |          |         |             |         |
| Other water (identify type)           |        |        |        |         |          |          |         |             |         |
| _____                                 |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---------------------------------------------------------------------------------|----------|----|----------------------------------------------|-----------------------|--------------------------------|
|                                                                                 | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X                                            |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X                                            |                       |                                |
| Is or would be used as habitat for endangered species?                          |          | X  |                                              |                       |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |                                              |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): See Memo to File